

Ex. 5 - Deliberative

information. Unless so stated, legal arguments and opinions by the writer of this email do not represent

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From **Ex. 6 - Personal Privacy**
Sent: Wednesday, September 11, 2013 11:46 PM
To: Kenney, James
Subject: Please explain: XTO Energy, Inc. Settlement

Re: XTO Energy, Inc. Settlement

Hello Mr. Kenney,

The EPA's settlement mandates that XTO recycle 50% of its fracking wastewater. Could you please tell me how contaminated flowback water is "recycled?" The term implies some kind of productive use, but I'm curious how any safe use can be found for water polluted with strontium, chloride, bromide, barium, dissolved solids, etc. Did the EPA suggest that XTO perhaps use it for clearing ice on roads, as has been authorized in some New York municipalities? Does the EPA believe that such re-use is safe?

Also, can you please tell me honestly if you believe \$100,000 is a fitting penalty for dumping 6,300 to 57,373 gallons of wastewater?

Did the EPA determine the exact composition of the leaked wastewater? And if not, how was actual damage assessed?

How far from the leak site was the water tested? Is any of the contaminated water used to irrigate farmland? If so, was soil tested, and over how great an area? If found to be contaminated, was farming banned at these sites? For how long?

How far downstream is the contaminated water suspected of going? Were downstream residents notified? Were they compensated? Were fish tested, and if found contaminated, was fishing prohibited? For how long? Was any drinking water contaminated?

Will there be follow-up studies of potential damage to flora, fauna and humans? Or is the case closed?

How could the EPA charge XTO with violating the Clean Water Act? Isn't the gas industry exempt from this and six other major federal regulations?

It is difficult to have confidence in the EPA or in the ability for the gas industry to be regulated without honest answers to these questions. Thank you for your attention.

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concerned citizen, New York City

